



**CITY OF COLUMBUS  
BOARD OF ZONING APPEALS  
HEARING OFFICER  
(January 15, 2013 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** C/CU-12-21 (Healing Waters)  
**Staff:** Allie Keen  
**Hearing Officer:** Melissa Begley  
  
**Applicant:** Healing Waters Full Gospel Ministries, Inc.  
**Property Size:** 2.3 Acres  
**Zoning:** CO (Commercial: Professional Office)  
**Location:** 2330 Midway Street, in the City of Columbus

**Background Summary:**

The applicant has indicated that the proposed conditional use will allow a worship facility within the CO (Commercial: Professional Office) zoning district per Zoning Ordinance 3.19(B).

**Preliminary Hearing Officer Decision:**

Approval of the Conditional Use with the following condition:

1. The property owner shall provide either documentation for the Haw Creek People Trail easement dedication to the City of Columbus or replace the letter of credit for the required sidewalk.

**Zoning District Intent:**

The intent of the CO (Commercial: Professional Office) zoning district is as follows: establish appropriate locations for professional office centers. Such centers may include both professional offices and complimentary retail uses and support facilities. This district may be used to transition from residential to other, more intense, business or industrial zoning districts.

<b>Current Property Information:</b>	
<b>Land Use:</b>	Office Space
<b>Site Features:</b>	The site features a building, parking lot, and mature trees.
<b>Flood Hazards:</b>	A majority of the property is located in the Hawcreek 500-year floodplain. The western edge of the site is located within the floodway and the remainder of the property is in the 100-year floodway fringe. The supplemental Haw Creek floodplain regulations also include this property, but provide no additional requirements in this instance.

<b>Vehicle Access:</b>	The property gains access from Midway Street (Local, Suburban, Residential).
------------------------	--

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	CC (Commercial: Community)	Undeveloped
<b>South:</b>	CO (Commercial: Professional Office) RS4 (Residential: Single Family 4)	North Star Montessori School Residential
<b>East:</b>	RS4 (Residential: Single Family 4)	Residential
<b>West:</b>	CC (Commercial: Community)	Undeveloped

<b>Interdepartmental Review:</b>	
<b>City Engineering:</b>	No comments were received.
<b>Technical Code Enforcement:</b>	No comments were received.
<b>Fire Department:</b>	<ol style="list-style-type: none"> <li>1. There seems to be some remodeling, and I was unable to find a building permit.</li> <li>2. I believe the previous occupancy to have been a type "B" occupancy and now the buildings will be changed to a type "A" occupancy and could result in upgrading the building to meet current Fire and Building Codes before you could occupy the building.</li> <li>3. I need more information regarding how much area is planned for the proposed use.</li> </ol>

### **History of this Location:**

The relevant history of this property includes the following:

1. Creekside Park Office Minor Subdivision (MP-09-10) was approved on January 6, 2010 by the City of Columbus Plan Commission to create 1 new lot for a total of 1 lot and 1 parent tract remainder equaling 3.478 acres. The applicant also requested relief from Section 16.24.060 of the Subdivision Control Ordinance, which requires that sidewalks be installed along all street frontages. The applicant proposed not to install sidewalks along Midway Street and 23<sup>rd</sup> Street. The Plan Commission approved relief of sidewalks along 23<sup>rd</sup> Street, but the sidewalks along Midway Street were to be implemented.
2. The Columbus Parks Department requested to modify the conditions of approval for the required sidewalk along Midway Street. The Columbus Parks Department requested to have the property owner dedicate a public easement for the Haw Creek People Trail as an alternative of the sidewalks along Midway Street.
3. On September 8, 2010, the City of Columbus Plan Commission determined that the trail easement would be an acceptable alternative to the Midway Street sidewalks. The financial guarantee for the

sidewalk construction along Midway was to remain up-to-date until a copy of a recorded People Trail easement has been provided to the City, which at that time the financial guarantee could be released.

### **Planning Consideration(s):**

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The applicant is proposing a conditional use to allow a worship center on the property located at 2330 Midway Street, which is within the CO (Commercial: Professional Office) zoning district. Worship facilities are only permitted within this zoning district by conditional use. Worship facilities are defined as the following: the use of a building and/or property by a non-profit group for the purpose of religious worship together with all incidental uses commonly associated with such a facility, such as a day-care center or school. Worship facility includes synagogue, temple, mosque or any other like facility used primarily for worship and religious activities.
2. The applicant indicated that the facility will offer worship services 2 days per week that are open for public participation. The services will be held Wednesday evenings and both morning and evenings on Sundays. Over the past year, attendance has been 35-50 people with some additional attendance on special occasions.
3. The applicant stated that they anticipate the increased church traffic to be nominal. Traffic will exit the site from the parking lot onto Midway Street. Patrons will either travel north to 25<sup>th</sup> Street or south to 23<sup>rd</sup> Street. Facility traffic will be during non-peak travel times. During the week day evening traffic should be expected around 8:00 p.m., Sunday mornings at 12:30 p.m., and Sunday evenings around 8:30 p.m. According to the Thoroughfare Plan, Midway Street is a local, suburban, residential street. Mobility on local streets is typically incidental and involves short elements of trips at lower speeds. With the property being located near residential neighborhoods, slower traffic speeds will be important when considering the increased traffic flow during service hours. The property is located only 400 feet from 25<sup>th</sup> Street and about 480 feet from National Road, therefore travel on Midway Street will only be for a short distance.
4. Per Section 7.1 (Table 7.2) of the Zoning Ordinance, worship facilities require 1 parking space for every 3 persons by seating capacity in the largest assembly area. The current parking lot contains 92 parking spaces and 4 accessible parking spaces. The applicant stated the assembly hall will most likely accommodate 150 to 200 people, which would require 50 to 67 parking spaces for the facility. Therefore, parking on site is sufficient for the needs of the facility.
5. Section 4.7(C)(2) of the Zoning Ordinance states no structure shall be located, extended, converted or structurally altered within the Special Flood Hazard Area (SFHA) without full compliance with the terms of this Chapter and other applicable regulations. If the property was expanded or altered it would have to comply with Section 4.7 of the Zoning Ordinance because it is located within the floodplain. Although the property is located within the Haw Creek floodplain, the supplemental regulations provide no additional requirements in this instance.
6. When the minor plat involving the subject property was created, required sidewalks along Midway Street were relieved with the alternate of a trail easement dedicated to the Columbus Parks Department on the property north and west of the subject property. This easement was intended to connect to the Haw Creek People Trail. A copy of that trail easement has not been received by the Planning Department and the letter of credit guaranteeing sidewalk construction has expired.

### **Comprehensive Plan Consideration(s):**

The Comprehensive Plan designates the future land use of properties in this area as Commercial.

The Comprehensive Plan includes this property in the National Road Commercial Corridor character area.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. **POLICY A-2-9:** Preserve and enhance the character of neighborhoods.
2. **GOAL A-3:** Provide individual accessibility to all community services and facilities.
3. **GOAL D-3:** Provide high-quality residential neighborhood environments.

### **Provisional Findings of Fact/Decision Criteria:**

Section 12.4(D) of the Zoning Ordinance permits the Board of Zoning Appeals Hearing Officer to allow conditional uses that meet the criteria listed below. The Hearing Officer may impose reasonable conditions as part of an approval.

- 1. The proposal will not be injurious to the public health, safety, and general welfare of the community.**

*Provisional Findings:* The traffic to and from the subject property and the surrounding properties will be minimally impacted. The facility will only be conducting services two days a week at times that do not interfere with peak travel times for the neighboring school and residents. Patrons will access the property from Midway Street, which is classified as a local street. According to the Thoroughfare Plan, local streets contain less traffic at slower speeds. With the facility being located near residential neighborhoods, slower traffic is important during services. With the property being only 400 feet from 25<sup>th</sup> Street and 480 feet from National Road, traffic from the subject property will only be required to travel on Midway Street for a short distance. This would lessen the traffic impact on the immediate area as well. A worship facility is a good neighbor to the adjacent residential properties. The site will also be able to access the Haw Creek People Trail, which could be used for pedestrian traffic to the facility. *This criterion has been met.*

- 2. The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.**

*Provisional Findings:* The current site meets all of the development standards for the CO (Commercial: Professional Office) zoning district, including lot standards, setbacks, and lot coverage. The applicant will not be making any physical changes to the property at this time. According to the Zoning Ordinance, the CO zone may be used to transition from residential to other, more intense, business or industrial zoning districts. A worship facility will act as a good transition from the adjacent residential properties and the North Star Montessori School to the commercial uses north of the site along 25<sup>th</sup> Street and National Road. *This criterion has been met.*

- 3. Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.**

*Provisional Findings:* The proposed conditional use of this property will not negatively affect the surrounding property owners. The undeveloped properties to the North and West of the site are zoned CC (Commercial: Community). Within this zone, worship facilities are a permitted use, therefore having this use located on an adjacent property will not affect the use of the undeveloped lots. The properties to the South and the East are zoned RS4 (Single-Family 4). Worship facilities are not permitted but can be a conditional use. A worship facility can serve the area's residents and will be a good neighbor. Also, the site is not being altered at this time and could potentially be converted back to office space if desired. *This criterion has been met.*

- 4. The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.**

*Provisional Findings:* The subject property is located within the Comprehensive Plan's National Road Commercial Corridor character area. Most of this area is comprised of commercial development that includes strip malls and big-box retail stores along National Road. This type of development can be unwanted for neighboring residential properties. The character area south is the Columbus Central Neighborhoods, which is an area mostly comprised of residential development. Locating a worship facility at this property will serve as a transition from the commercial districts to the residential because of the site's location within the character area.

*This criterion has been met.*

**Hearing Officer Options:**

In reviewing a request for conditional use the Hearing Officer may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Hearing Officer, (4) deny the petition (with or without prejudice), or (5) forward the petition to the full Board of Zoning Appeals.

Columbus – Bartholomew County Planning Department  
Conditional Use Application

R  
DEC 20 2012  
BY: ABC

Planning Department Use Only:

Jurisdiction: ☒ Columbus ☐ Bartholomew County

Zoning: CO

Docket No.: COV-12-21

Hearing Procedure: ☒ Hearing Officer ☐ Board of Zoning Appeals

Conditional Use Application:

Applicant Information:

Name: Healing Waters Full Gospel Ministries Inc  
Address: 9455 North State Hwy. 7 Elizabethtown, In 47232  
(number) (street) (city) (state) (zip)  
Phone No.: 812 579 9015 Fax No.: 812 579 9702 E-mail Address: \_\_\_\_\_

Property Owner Information (the "owner" does not include tenants or contract buyers):

Name: Craig Fenneman  
Address: 5864 South East St. Indianapolis, In 46227  
(number) (street) (city) (state) (zip)  
Phone No.: 317 788 0374 Fax No.: \_\_\_\_\_ E-mail Address: craigf@southernbells.com

Notification Information (list the person to whom all correspondence regarding this application should be directed):

Name: Tony E. Garris  
Address: 9455 North State Hwy 7 Elizabethtown, In. 47232  
(number) (street) (city) (state) (zip)  
Phone No.: 812 579 9015 Fax No.: 812 579 9702 E-mail Address: brothertonygarris@gmail.com

How would you prefer to receive information (please check one): ☐ E-mail ☐ Phone ☐ Fax ☐ Mail

Property Information:

Address: 2330 Midway St Columbus, In 47201  
(number) (street) (city) (state) (zip)

or General Location (if no address has been assigned provide a street corner, subdivision lot number, or attach a legal description):  
\_\_\_\_\_

**Conditional Use Requested:**

I am requesting a conditional use as listed by Section 3.19 (B) of the Zoning Ordinance to allow the following:

Healing Waters Full Gospel Ministries Inc. conducts Church worship services 2 days per week open for public participation. Church Service schedule is Wednesday evening and a morning and an evening service on Sunday. Services are Christian Faith based, Jesus Christ recognized as Lord and Saviour. For the past year we have rented facilities in the down town area of Columbus. Attendance has been 35 to 50 people with some additional on special occasion's. Parking is adequate with approx 115 spaces available.

---

**Conditional Use Criteria:**

The Columbus & Bartholomew County Zoning Ordinance establishes specific criteria that must be met in order for a conditional use to be approved. Describe how the conditional use requested meets each of the following criteria.

The approval of the conditional use will not be injurious to the public health, safety, and general welfare of the community.

As a Church ministry we can foresee no complications related to public health, safety or general welfare of the community. Church operation will be consistent with normal church functions. As experienced at similar Churches in the community.

There will be no special activities such as fireworks, use of hazardous chemicals, or materials that would present a possible hazard to the community.

The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.

The Church in general will be a good neighbor to the area residential population offering a place of Christian worship in a pleasant setting. We anticipate a nominal traffic flow. Church service exit traffic flow has a dual exit presentation from the Church Parking lot onto Midway Street allowing option's for North or South, North to 25 th street or south to 23<sup>rd</sup> street. Church times of exit will be week day evening around 8:00 Pm, Sunday morning exit around 12:30 Pm, Sunday evening Exit 8:00 Pm to 8:30 Pm.

Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.

Healing Waters Full Gospel Ministries Inc. will have no negative effect on any surrounding property's residential or other. Any improvements alteration or changes will be with approval of all Zoning Ordinances and building codes. In the Event Healing Waters Church would move to another location the building will still be a good commercial building.

---

The conditional use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.

There is no planned physical changes to the building or property that would influence the values of surrounding properties or cause hardships on surrounding residence's.

In General the church will fit in well with general surroundings and future plan's. The Church Mission Statement sets our mission to be an asset to the community offering ministry and comfort to the needy.

The information included in and with this application is completely true and correct to the best of my knowledge and belief.

12-12-2012  
(Date)

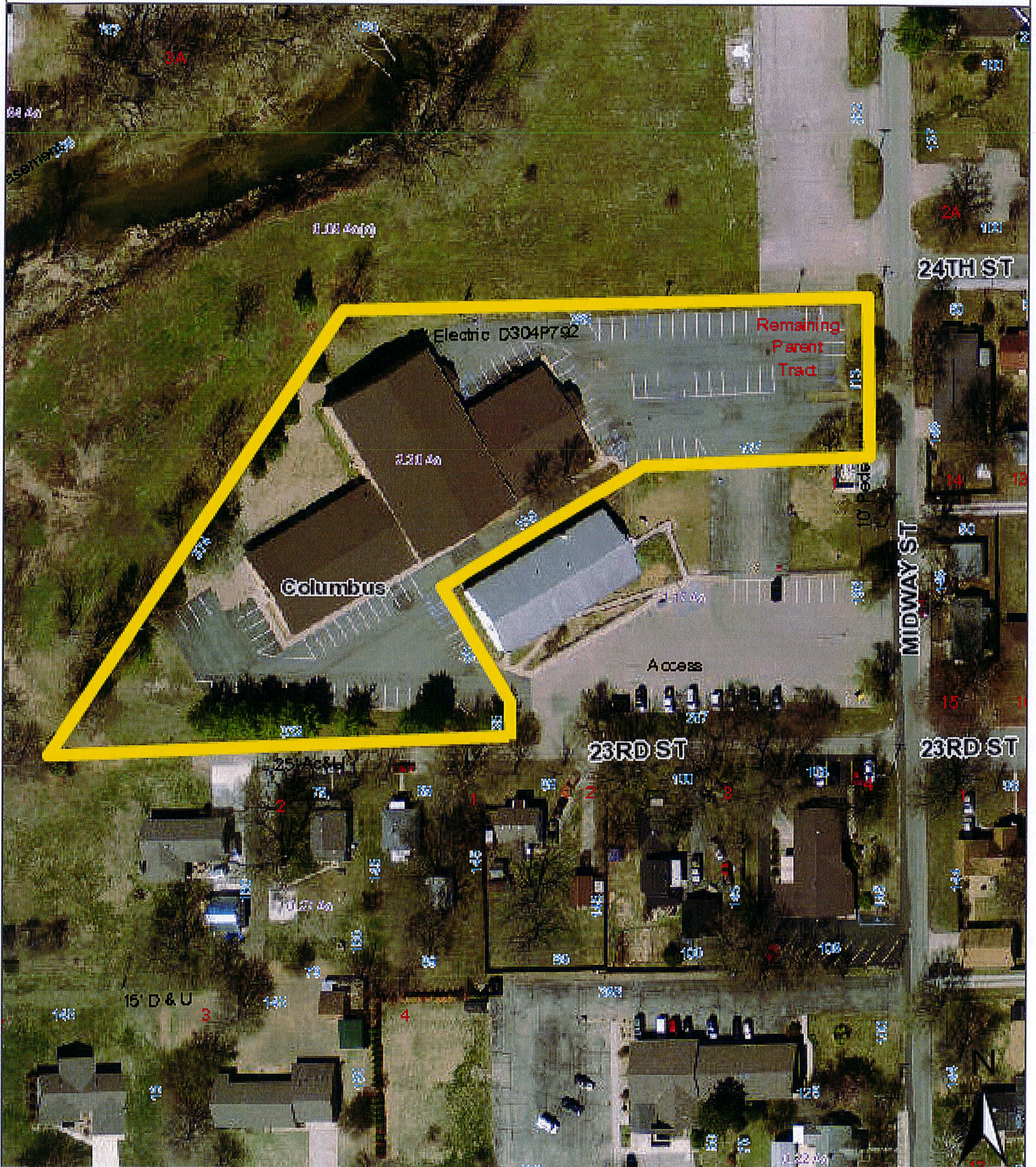
I authorize the filing of this application and will allow the Planning Department staff to enter this property for the purpose of analyzing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

12/13/12  
(Date)

**{Date}**



Healing Waters Full Gospel Ministries, Inc.  
2330 Midway Dr., Columbus, IN



Disclaimer:

Printed: 12/21/12